

**AMENDMENTS TO THE DRAWINGS:**

Applicant submits herewith three sheets of replacement drawings as required by the Examiner. The replacement sheets include identifying reference characters. Corresponding changes are concurrently being made to the specification to further describe the replacement drawings. No new matter is believed to be added by the revisions of these drawings.

Attachment: Replacement Sheets of Drawings and Annotated Sheets

### **REMARKS**

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of June 21, 2005.

In it, the drawings were objected to as failing to comply with 37 CFR 1.121(d) because the drawings are photocopies of drawings and lack clarity and identifying reference characters.

The disclosure was objected to because of certain informalities. These informalities have been addressed in the amendments to the specification. The Examiner's assistance in identifying these minor discrepancies is appreciated.

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,500,104 to Rich ("Rich").

In this response, Applicant amended selected claims and added new claims to provide a more complete scope of protection for the invention and present clarifying remarks believed to address the Examiner's rejections and place the claims in condition for allowance.

Reexamination and reconsideration are respectfully requested.

#### **I. Drawings**

As set forth above, Applicant submits herewith three sheets of replacement drawings as required by the Examiner and three annotated sheets. No new matter is believed to be added by the replacement sheets of these drawings.

#### **II. Informalities**

In the disclosure, section headings have been added to the specification to overcome the Examiner's objection, despite Applicant's belief that section headings are not legally required. Applicant has also amended selective paragraphs of the specification further describe the replacement drawings. It is believed that the amendments to the specification address the Examiner's objection to the disclosure. No new matter is added as a result of these specification amendments.

### **III. Claim Rejections**

With respect to **claim 1**, as amended, Applicant respectfully submits that the claimed subject matter differs from the art taught in Rich.

Claim 1, as amended, recites a portable exerciser including a mat having first and second components (i.e. a back mat and a bottom mat) that can be collapsed into a smaller arrangement. At least one of the components includes at least one stretchable band that can be used by an individual for exercising. An adjustment mechanism is mounted to at least one of said first and second components and includes first and second bar supports. The second bar support has a plurality of spaced apart engagement members to receive a section of the first bar support wherein one of the first and second components can be selectively angularly adjusted and maintained relative to the other component.

Conversely, in Rich, teaches an exercise apparatus for use with the seats of a vehicle such as an automobile. The exercise apparatus 10 has a back portion 11 and a seat or bottom portion 12. Surrounding the perimeter of the back and seat portions is an external or internal rigid or semi-rigid frame 15. A plurality of loops 14 and attachable exercise straps 16 are provided at spaced intervals around the entire perimeter of the back and seat portions. A strap 13 fits around the seat to hold the back portion to the vehicle seat back. Thus, the object of Rich is to provide an exercise apparatus that can be secured to a vehicle seat and be employed by a vehicle operator, as well as the vehicle passengers.

However, Rich does not teach or even remotely suggest an exercise apparatus having an adjustment mechanism including first and second bar supports mounted to the back portion or the seat portion. Rich also does not teach or even remotely suggest a stand alone exercise apparatus having a back portion which can be selectively angularly adjusted and maintained relative to the seat portion.

Conversely, in the present application, each the first and second supports are mounted to one of the first and second components. The second support includes a plurality of spaced apart engagement members to receive a section of the first support. The first support is adjustably engageable with the second support, such that the first component may be fixed at a predetermined angle relative to the second component.

Thus, the adjustment mechanism orients and maintains one of the first and second components an angle between 0° and 180° relative to the other component.

Accordingly, Rich fails to disclose each and every element of amended claim 1. Moreover any attempt to combine Rich with prior art which shows an adjustment mechanism will defeat the express teachings of Rich (e.g. will prevent the Rich exercise apparatus from being mounted to a vehicle seat). It is therefore respectfully submitted that claim 1, as amended, is deemed patentable over Rich, whether it is considered on its own under §§ 102 or 103, or in combination with any of the remaining art of record.

Claims 2 through 8 are patentable as being dependent either directly or indirectly from amended claim 1. Therefore, although they add further limitations to the patentable features of the present invention, further discussion is deemed unnecessary in light of the inadequacy of the basic teachings of the underlying references.

Regarding new independent claims 9 and 15, a more complete scope of protection for the invention is provided.

**Claim 9** recites a collapsible portable exerciser comprising a back mat hingedly connected to a bottom mat, both mats having a compressible material secured to a relatively rigid structure. The back mat includes a first stretchable band for exercising mounted to its relatively rigid structure. The bottom mat also includes a second stretchable band for exercising mounted to its relatively rigid structure. First and second generally U-shaped supports are rotatably mounted to the relatively rigid structure of the back mat. The first support is adjustably engageable with the second support, such that the back mat, when rotated relative to the bottom mat, may be fixed at a predetermined angle relative to the bottom mat. None of the references cited by the Examiner show such a collapsible portable exerciser. Accordingly, the references fail to disclose each and every element of new claim 9 and claims 10-14 which are dependent therefrom. It is therefore respectfully submitted that new claim 9 and claims 10-14 dependent on claim 9 are not anticipated nor rendered obvious by the prior art.

**Claim 15** also recites a collapsible portable exerciser comprising a back mat hingedly connected to a bottom mat, both mats having a compressible first surface and a relatively rigid second surface. The back mat includes a pair of first stretchable exercising bands detachably mounted adjacent to opposing side surfaces of its relatively rigid second

surface. The bottom mat includes a pair of second stretchable exercising bands detachably mounted adjacent to opposing side surfaces of its relatively rigid second surface. First and second generally U-shaped supports are rotatably mounted to the relatively rigid second surface of the back mat. The second support includes a plurality of spaced apart notches for receiving a section of the first support wherein the back mat can be selectively angularly adjusted and maintained relative to the bottom mat. Again, none of the references cited by the Examiner show such a collapsible portable exerciser. Accordingly, the references fail to disclose each and every element of new claim 15 and claims 16-20 which are dependent therefrom. It is therefore respectfully submitted that new claim 15 and claims 16-20 dependent on claim 15 are not anticipated nor rendered obvious by the prior art.

#### CONCLUSION

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application (Claims 1-20) are now in condition for allowance.

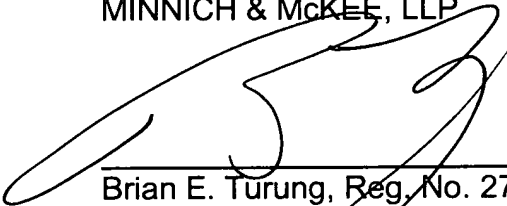
No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Date: 9/13, 2005

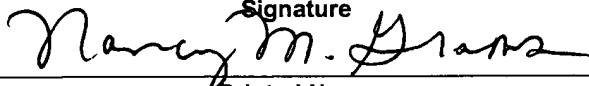


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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being  
☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP  
AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date  
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U.S. Serial No. 10/786,654  
Attorney Docket No. HATC 2 00001  
Response to Office Action dated June 21, 2005

**APPENDIX**

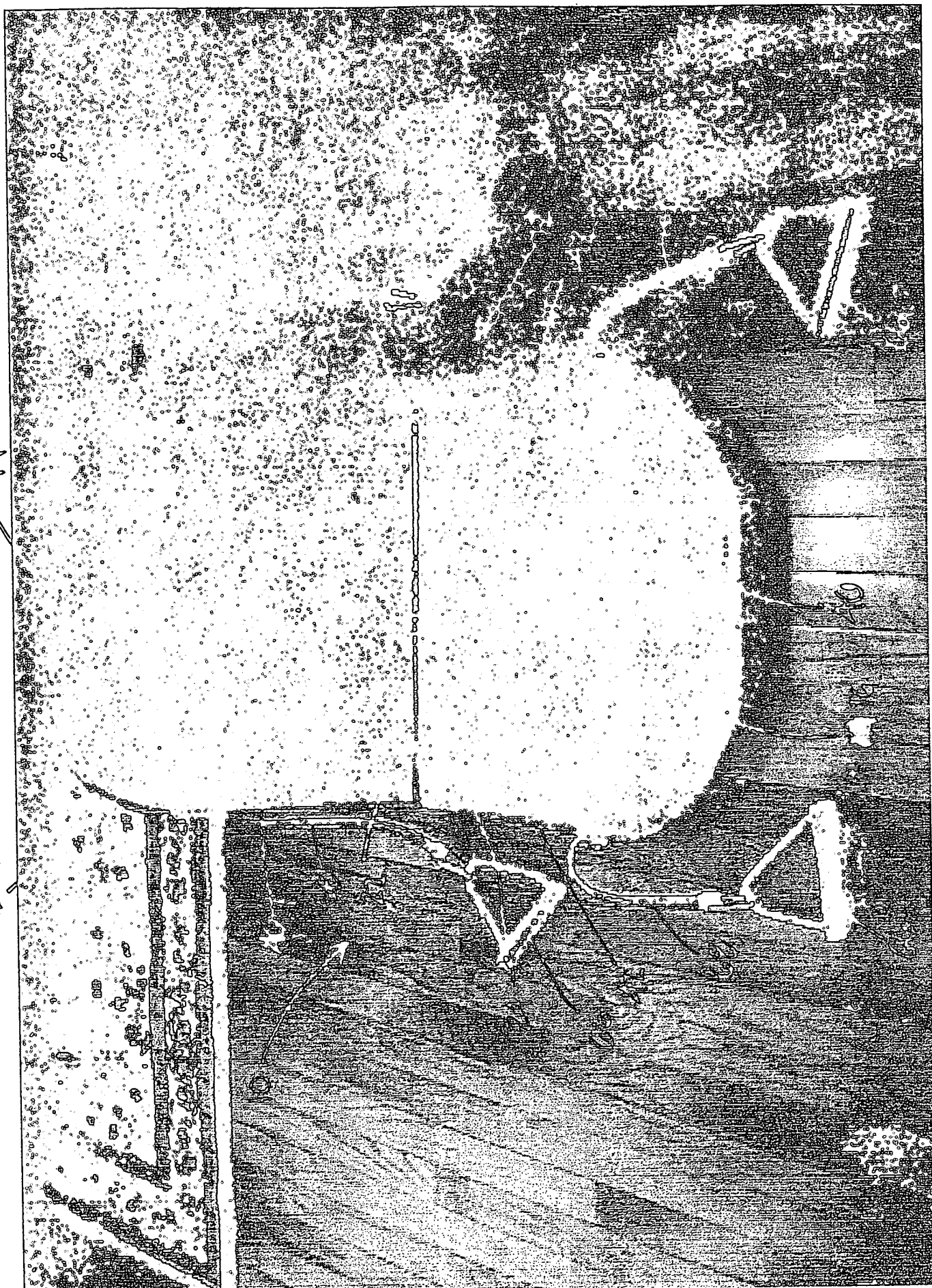
Attached hereto are three Replacement Sheets of Drawings and three Annotated Sheets showing changes made to the drawings.

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Fig. 1

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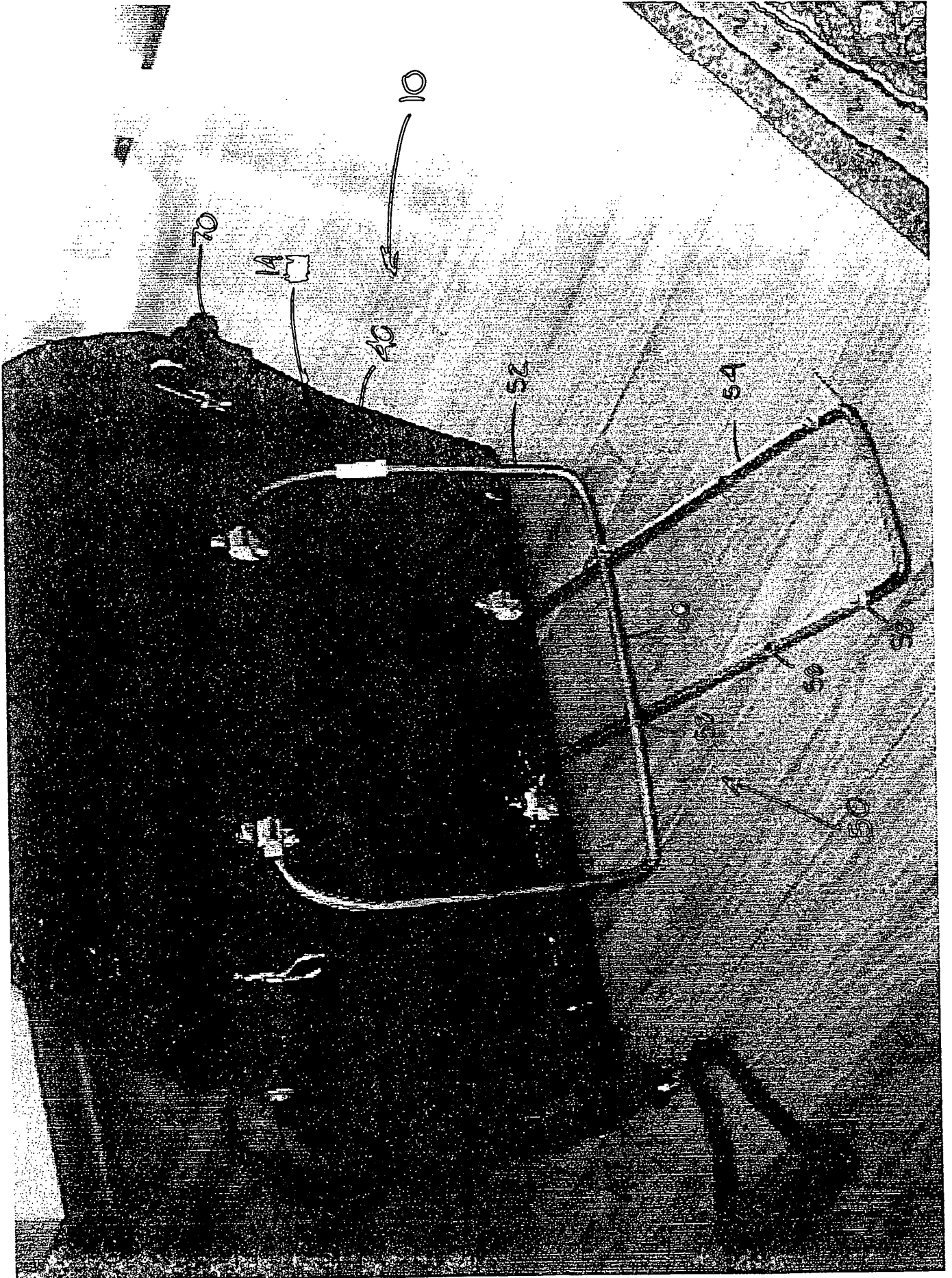
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Fig. 2



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FIG. 3

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